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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,270	06/27/2002	Mahmoud Soliman	02-070-MS	4423
32118	7590	11/29/2005	EXAMINER	
LAMBERT & ASSOCIATES, P.L.L.C. 92 STATE STREET BOSTON, MA 02109-2004			DO, CHAT C	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/064,270		SOLIMAN, MAHMOUD	
	Examiner		Art Unit	
	Chat C. Do		2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 11 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 8-9 and 19-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment filed 09/22/2005.
2. Claims 1-20 are pending in this application. Claims 1, 12, and 16 are independent claims. This Office Action is made final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10, and 17-18 are rejected under 35 U.S.C. 103(a) as being obvious over Boston et al. (U.S. 6,076,079) in view of Terriss et al. (U.S. 5,964,823) in further view of Ilium Software ("TipsterTM").

Re claim 1, Boston et al. disclose in Figures 1-2 a tips calculator (e.g. abstract), comprising: a base member (e.g. 40 as housing for the tip calculator) having a face side (e.g. 12), wherein the face side (e.g. 12) has: at least one display screen having a main display area (e.g. 14 and 20 for displaying bill amount, 24 for displaying tip amount, 22 for displaying tip percentage, and 26 for displaying total amount after tip); a plurality of groupings of buttons (e.g. 8 as a group of buttons and {27, 29, 30, and 32} as another group of buttons), wherein: a first grouping of buttons (e.g. 8) includes buttons

designating whole numbers from 0 to 9 (e.g. buttons with labels from 0 to 9) whereby the first grouping of buttons is used to at least enter a bill amount, wherein the bill amount is displayed on the main display area (e.g. col. 2 lines 4-14); a second grouping of buttons (e.g. 27, 29, 30, and 32) includes buttons designating tip amounts as percentages of the bill amount (e.g. 27 for 15%, 29 for 20%, 30 for decreasing, and 32 for increasing), whereby buttons designating tip amounts are used to enter a choice of a tip amount as a percentage of the bill amount (e.g. col. 2 lines 23-30) with subsequent display of the tip amount on the main display area (e.g. 22 as percentage and 24 as tip amount), and whereby the total amount is used to obtain a total amount, which is a sum of the bill amount and the tip amount, wherein the total amount is displayed on the main display area (e.g. col. 2 lines 35-41); means for performing functions and calculations designated by buttons in the plurality of groupings of buttons (e.g. col. 4 lines 4-11 and col. 5 lines 6-17), and means for display on the display screen of values, functions, and results of calculations designated by buttons in the plurality of groupings of buttons (e.g. {14, 20}, 22, 24, and 26 for respectively displaying the bill amount, percentage amount, tip amount, and total amount). Boston et al. fail to disclose in the invention the following items: first, the buttons designating at least mathematical functions of a decimal point, addition, subtraction, multiplication, division, and sum total; second, a button for a total amount; and third, another grouping of buttons includes buttons designating numbers of members in a group as whole sequential numbers, whereby buttons designating numbers of members in a group are used to select a number of members in a group and to obtain a display on the main display area of an individual share, wherein the individual share is a

product of a division of the total amount by the number of members in a group.

However, Terriss et al. disclose in Figure 1 the first and second missing feature as a commercial calculator with standard buttons (e.g. 12) designating at least mathematical functions of a decimal point, addition, subtraction, multiplication, division, and sum total (e.g. ".", +, -, x, /, = buttons in 12 respectively) and the total button (e.g. = button) for given the final value of a function. In addition, Ilium Software discloses in the right Figure page 2 the third missing feature of another grouping of buttons (e.g. up/down arrow in the third box) includes buttons designating numbers of members in a group as whole sequential numbers (e.g. the displayed number of people is incremented as a whole sequential numbers), whereby buttons designating numbers of members in a group are used to select a number of members in a group (e.g. divided by the number of people) and to obtain a display on the main display area of an individual share (e.g. left Figure in page 2), wherein the individual share is a product of a division of the total amount by the number of members in a group. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add the missing features like the mathematical functions buttons and total buttons as seen in Terriss et al.'s Figure 1 and another group of buttons designating numbers of members in a group as whole sequential numbers for obtaining a display of an individual share as illustrated in Ilium Software's Figures page 2 into Boston et al.'s invention because they would enable Boston et al.'s calculator to perform basis mathematical functions and to easily determine the individual share in just a few steps (e.g. mid-page of page 2).

Re claim 2, Boston et al. further disclose in Figures 1-2 the first grouping of buttons additionally has an on button for turning on of the tips calculator (e.g. button 2).

Re claim 3, Boston et al. further disclose in Figures 1-2 the first grouping of buttons additionally has an off button for turning off of the tips calculator (e.g. button 4).

Re claim 4, Boston et al. further disclose in Figures 1-2 the first grouping of buttons additionally has a clear button for clearing of the main display area (e.g. button 6).

Re claim 5, Boston et al. fail to disclose in the tip calculator the second grouping of buttons has buttons designating tip amounts as percentages of the bill amount in one percent increments and in a range from 10 percent to at least 25 percent. However, Boston et al. suggest other common percentage amounts would be used (e.g. col. 4 lines 55-61). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add other buttons designating tip amounts ranging with increment by 1 from 10 to at least 25 as suggested commonly amount as seen in column 4 lines 55-61 because they would enable the user(s) to easily and conveniently entering the tip percentage amount.

Re claim 6, Boston et al. fail to disclose the display screen additionally has a share display area. However, Ilium Software discloses in Figures in page 2 the display screen additionally has a share display area (e.g. left Figure). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add an additional share display area as seen in Ilium Software's left Figure into Boston

et al.'s calculator because it would enable the user(s) to easily view total share individual amount.

Re claim 7, Boston et al. fail to disclose the third grouping of buttons additionally includes a share button for a display in the share display area of the individual share during performance of consecutive calculations on the tips calculator. However, Ilium Software discloses in Figures in page 2 a share button (e.g. up/down button next to number 2) for a display in the share display area of the individual share during performance of consecutive calculations on the tips calculator (e.g. left Figure). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add a share button and a share display area as seen in Ilium Software's left Figure into Boston et al.'s calculator because it would enable to compute and display the total amount of individual share.

Re claim 10, Boston et al. fail to disclose the third grouping of buttons includes buttons designating numbers of members in the group as whole sequential numbers from 2 up to at least 12. However, Ilium Software discloses in Figures in page 2 a sequential up or down buttons for designating numbers of members in the group as whole sequential numbers from 2 up to at least 12 (e.g. right Figure). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add the third grouping of buttons includes buttons designating numbers of members in the group as whole sequential numbers from 2 up to at least 12 as seen in Ilium Software's invention into Boston et al.'s calculator they would enable the user(s) to easily

and conveniently entering the number of members in the group for calculating individual share.

Re claim 17, Boston et al. in view of Terriss et al. fail to disclose in the invention the step of entering a number of members in a group by use of a third grouping of buttons of the tips calculator, wherein the third grouping of buttons includes buttons designating numbers of members in a group as whole sequential numbers, to display on the main display area of the tips calculator an individual share, wherein the individual share is a product of a division of the total amount by the number of members in the group.

However, Ilium Software discloses in the right Figure page 2 the third missing feature a step of entering (e.g. divided by the number of people) a number of members in a group by use of a third grouping of buttons of the tips calculator, the third grouping of buttons (e.g. up/down arrow in the third box) includes buttons designating numbers of members in a group as whole sequential numbers (e.g. the displayed number of people is incremented as a whole sequential numbers), to display on the main display area of an individual share (e.g. left Figure in page 2), wherein the individual share is a product of a division of the total amount by the number of members in a group. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add another group of buttons designating numbers of members in a group as whole sequential numbers for obtaining a display of an individual share as illustrated in Ilium Software's Figures page 2 into Boston et al. in view of Terriss et al.'s invention because they would enable Boston et al. in view of Terriss et al.'s calculator to easily determine the individual share in just a few steps (e.g. mid-page of page 2).

Re claim 18, it has method features claim of claim 7. Thus, claim 18 is also rejected under the same rationale as cited in the rejection of claim 7.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being obvious over Boston et al. (U.S. 6,076,079) in view of Terriss et al. (U.S. 5,964,823).

Re claim 16, Boston et al. disclose in Figures 1-2 a method of use of a tips calculator (e.g. abstract) comprising: pressing of an on button to turn on the tips calculator (e.g. button 2), entering of a bill amount to be displayed on a main display area (e.g. 14) of the tips calculator using a first grouping of buttons of the tips calculator (e.g. 8 including buttons with label from 0 to 9), wherein the first grouping of buttons includes buttons designating whole numbers from 0 to 9 (e.g. 8); selecting and entering desired percentage of a tip amount (e.g. 27, 29, 32, and 30) to display the tip amount on the main display area of the tips calculator (e.g. 22) using a second grouping of buttons of the tips calculator (e.g. buttons in area with 8 as the second grouping of buttons), and the tip amount on the main display area of the tips calculator (e.g. 24), wherein the button for the total amount is in the second grouping of buttons of the tips calculator (e.g. 26). Boston et al. fail to disclose in the invention the following steps: first, the buttons designating at least mathematical functions of a decimal point, addition, subtraction, multiplication, division, and sum total; second, pressing a button for a total amount to display a sum of the bill amount; and third the second grouping of buttons includes buttons designating tip amounts as percentages of the bill amount in one percent increments and in the range from 10 percent to at least 25 percent. However, Terriss et al. disclose in Figure 1 the

first and second missing feature as a commercial calculator with standard buttons (e.g. 12) designating at least mathematical functions of a decimal point, addition, subtraction, multiplication, division, and sum total (e.g. “.”, +, -, x, /, = buttons in 12 respectively) and the total button (e.g. = button) for given the final value of a function. In addition, Boston et al. suggest other common percentage amounts would be used additionally in place of the 15% and 20% buttons (e.g. col. 4 lines 55-61). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add the missing features like the mathematical functions buttons and total buttons as seen in Terriss et al.’s Figure 1 and the suggestion of having other common percentage amounts buttons as seen in Boston et al.’s invention because they would enable Boston et al.’s calculator to perform basis mathematical functions and enable the user(s) to easily and conveniently entering the tip percentage amount.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being obvious over Boston et al. (U.S. 6,076,079) in view of Terriss et al. (U.S. 5,964,823) in further view of Ilium Software (“TipsterTM”) as applied to claim 1 above, and further in view of Lipton et al. (U.S. 4,988,025).

Re claim 11, Boston et al. in view of Terriss et al. in further view of Ilium Software fail to disclose the face side of the base member has an advertisement area for display of an advertisement information. However, Lipton et al. disclose a calculator either in Figure 1 or 4 having a face side of the base member has an advertisement area for display of an advertisement information (e.g. 15). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to

add a face side of the base member has an advertisement area for display of an advertisement information as seen in Lipton et al.' calculator into Boston et al. in view of Terriss et al. in further view of Ilium Software's invention because it would enable to forcefully, attractively, and affectively advertise a product to the user(s) of the calculator (e.g. col. 1 lines 51-68).

Allowable Subject Matter

7. Claims 12-15 are allowed.
8. Claims 8-9 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is an examiner's statement of reasons for allowance:

The prior art of records fails to disclose or render an obviousness of a tips calculator comprising: a base member, at least one display screen having a main display area and a share display area, a plurality of grouping of buttons including: a first grouping of buttons with numbers from 0 to 9 and at least mathematical function buttons of a decimal point, addition, subtraction, multiplication, division, and sum total, on, off, and clear buttons, whereby the first grouping of buttons is used to at least enter a bill amount; a second grouping of buttons including buttons designating tip amounts as percentages of the bill amount in one percent increments and in a range from 10 percent to at least 25 percent, a total amount button, whereby buttons designating a choice of tip amount as a percentage with display on the main display area and total amount button is used to

obtain a total amount; and a third grouping of buttons include buttons designating numbers of members in a group as whole sequential numbers from 2 up to at least 12 and furthermore the third grouping of the buttons additionally includes a share button for a display in the share display area of the individual share during performance of consecutive calculations on the tips calculator; and means for performing the functions of designated buttons and means for displaying.

The closest found prior arts are Boston et al. (U.S. 6,076,079) as the primary reference, Terriss et al. (U.S. 5,964,823) as the first secondary reference, and Ilium Software ("TipsterTM") as the second secondary reference. Boston et al. disclose a basis tip calculator, but fail to disclose a share display area; partially a first group of buttons including at least mathematical function buttons of a decimal point, addition, subtraction, multiplication, division, and sum total; partially a second grouping of buttons including buttons designating tip amounts as percentages of the bill amount in one percent increments and in a range from 10 percent to at least 25 percent and a total amount button; and a third grouping of buttons include buttons designating numbers of members in a group as whole sequential numbers from 2 up to at least 12 and furthermore the third grouping of the buttons additionally includes a share button for a display in the share display area of the individual share during performance of consecutive calculations on the tips calculator. Terriss et al. disclose a commercial calculator with partially a first group of buttons including at least mathematical function buttons of a decimal point, addition, subtraction, multiplication, division, and sum total, but fail to disclose other features of the claimed invention. Ilium Software discloses a third grouping of buttons include

buttons designating numbers of members in a group as whole sequential numbers from 2 up to at least 12 and furthermore the third grouping of the buttons additionally includes a share button for a display in the share display area of the individual share during performance of consecutive calculations on the tips calculator, but fails to disclose other features of the claimed invention. With these lacking features in the primary reference, it is unobvious and unmotivated to a person having ordinary skill in the art at the time the invention is made to combine all three references with reasonable motivation to make an unique tips calculator as cited in the claimed invention above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

10. Applicant's arguments filed 09/22/2005 have been fully considered but they are not persuasive.

a. The applicant argues in pages 3-6 for claim 1 that the cited reference by Boston does not disclose the following points: 1. it does not disclose a main display area that displays a bill amount, a tip amount, and a total amount; 2. it does not disclose a second grouping of buttons for designating tip amounts as percentages and it does not disclose any more than two tip percentage buttons; 3. it does not disclose a total button nor is the

total amount displayed on the main display area; 4. Ilium Software fails to disclose a group of buttons that allows the user to input the number of members of a party with a single touch; and 5. it is unclear the date of the Ilium Software disclose as a prior art.

The examiner respectfully submits that the cited reference by Boston either clearly, implicitly, or inherently disclose all the concerns address above: 1.

Boston et al. clearly disclose at least one display screen having a main display area wherein all the display windows in Figure 2 are considered as a main display area and implicitly these display windows are capable of displaying the bill amount (e.g. 20), the tip amount (e.g. 24), and the total amount (e.g. 26); 2. the same Figure 2 clearly disclose a second grouping of buttons for designating tip amounts as percentages (e.g. 27 with 15% and 29 with 20% of tips); the current claim language does not require to have more than two tip percentage buttons as argued by the applicant; 3. it displays the total amount displayed on the display window 26 wherein the display window 26 is considered as a part of the main display area; 4. Ilium discloses the concept of virtual members buttons in software through direct applied TFT sensor, which can consider as virtual buttons; 5. the examiner traces the date of Ilium software back to 1999 using the wayback machine which is more than a year of the effective filing date of this application.

b. The applicant argues in page 6 for claim 5 that the cited reference fails to disclose the limitations cited in the claimed invention as the second grouping of buttons has

buttons designating tip amounts as percentage of the bill amount in one percent increments and in a range from 10 percent to at least 25 percent.

The examiner respectfully submits that Figure 2 clearly disclose the claimed limitations wherein the second grouping of buttons (e.g. 32 and 30) has buttons designating tip amounts as percentage of the bill amount in one percent increments (e.g. up or down by 1%) and in a range from 10 percent to at least 25 percent (e.g. whenever the range 22 indicates from 10 to 25).

c. The applicant argues in page 7 for claim 6 that the cited reference by Ilium software does not provide enough information concerning the devices to present a case for obviousness.

The examiner respectfully submits that the applicant does not clearly address or point out why the Ilium software does not provide enough information concerning the devices to present a case for obviousness.

d. The applicant argues in pages 7-8 for claim 7 that the cited reference does not disclose the disclosed share button and the disclosed share button is no way similar to the cited tip button.

The examiner respectfully submits that in Figure on the right the every time the up/down arrow is pressed, it will display the total share per person as claimed.

- e. The applicant argues in pages 8-9 for claims 10 and 17 that the cited reference does not disclose the a group of buttons for designating number of members in the group as whole sequential numbers from 2 up to at least 12.

The examiner respectfully submits that the rejection clearly indicates the up/down virtual button can not enter a non-whole sequential numbers. It can be seen in Figure on the right of Ilium Software reference, there are up and down virtual buttons for entering number of members in the group as a whole sequential numbers from 2, 3, 4, 5....12, 13....

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chat C. Do whose telephone number is (571) 272-3721. The examiner can normally be reached on M => F from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaki Kakali can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chat C. Do
Examiner
Art Unit 2193

November 15, 2005



KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100